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Filed : **February 6, 2002**

REMARKS

In the Office Action, the Examiner has rejected claim 18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner asserts that claim 18 is vague and indefinite and notes that in order to claim a program to generate a game display, said program must contain method steps executable by any computer processor. The Applicant notes that claim 18 is amended by this paper to more clearly recite that the claimed “computer program comprises instructions stored on a computer readable media implementing a spinning reel game on a gaming machine, the spinning reel game comprising a video representation of a plurality of spinning reels, said program generating a background scene for said spinning reel game on a screen display of the gaming machine, and generating a plurality of composite symbols on the display screen which overlies the background scene...” (Claim 18 as currently amended). The Applicant thus believes that Claim 18 does particularly point out and distinctly claim the subject matter of a computer program including method steps executable by a computer processor (gaming machine).

The Examiner has also rejected claims 18, and 22-24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. As noted above, Claim 18 is amended by this paper to more clearly recite “a computer program comprising instructions stored on a computer readable media ...said program generating a background scene... and generating a plurality of composite symbols...” (Claim 18 as currently amended). Claim 22 is amended by this paper to recite “A method of generating images on a gaming machine display, the method comprising generating a background scene for a game scene of a spinning reel game; generating a representation of a plurality of spinning reels... and displaying the background scene and the representation of the plurality of spinning reels with at least one pay line identified, game symbol portions displayed on said at least one pay line defining a winning or a losing outcome” (Claim 22 as currently amended). The Applicant thus believes that claim 18 clearly recites statutory patentable subject matter of a computer program comprising instructions stored on a computer readable media and generating a background scene and a plurality of composite symbols. Likewise, Claim 22 recites the statutory patentable subject matter of a method of generating images on a gaming machine display, the method comprising generating a background scene ...generating a representation of a

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plurality of spinning reels... and displaying the background scene and the representation of the plurality of spinning reels..." (Claim 22 as currently amended).

The Examiner has also rejected claims 22-24 under 35 U.S.C. § 102(b) as being anticipated by WO 99/64997. The Applicant have carefully reviewed and are familiar with the WO '997 reference and respectfully submits the following observations of the Applicant's claimed invention as amended by this paper with respect to the disclosure to be found in the WO '997 reference. The Applicants note that claim 22 requires the generation of a representation of a plurality of spinning reels, each reel comprising a set of composite symbols, at least one including a transparent carrier portion. In contrast, the WO '997 reference discloses only a representation of spinning reels with opaque carrier portions.

The Examiner asserts that a transparent part of a composite symbol being the transparent portion of the footsteps or the portion between the foresole and heel is shown in Figures 4A and 4B. In paragraph 7 of the Office Action, the Examiner asserts that the WO '997 reference teaches "each reel comprising a set of composite symbols at least one including a transparent carrier portion and a game symbol portion" and the Applicant assumes that the Examiner is here referring to the background of the footsteps.

With respect, the Applicants note that the footsteps found in the WO '997 reference cannot form part of a composite symbol as defined in claim 22 because the footsteps are not part of a representation of a plurality of spinning reels. The Applicant respectfully directs the Examiner's attention to page 6, lines 1-18 of the WO '997 reference wherein the display of the footsteps is described. Here it is clearly explained that the footsteps form part of an animated pay line that is drawn from left to right across the width of the screen. The footsteps are clearly not part of any reel forming part of a representation of a plurality of spinning reels. Rather, the footsteps have the functionality of illustrating a pay line and not that of forming part of a combination of symbols which may or may not define a winning combination in the gaming machine. Thus, the Applicant strongly believes that the WO '997 reference does not anticipate the Applicant's invention as claimed in claims 22-24 and that these claims are clearly novel and patentable in light of the WO '997 reference under the requirements of 35 U.S.C. § 102 (b).

The Examiner has also rejected claims 1, 3-9, and 11-21 as being unpatentable under 35 U.S.C. § 103(a) over the previously cited WO '997 reference and in further view of Buxton et al.

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(U.S. Patent No. 6,118,427). The Applicant has also carefully reviewed the Buxton reference and believes that these references taken in combination fail to teach or even suggest the Applicant's invention as claimed in claims 1, 3-9 and 11-21.

More particularly, as explained above with regard to the novelty rejection under 35 U.S.C. § 102(b), the WO '997 reference teaches only the use of the partially transparent footprints as pay line indicator and not part of a spinning reel. The Applicant's claimed invention as in Claim 1 clearly defines the composite symbol as being part of a reel which in turn forms part of a video representation of a plurality of spinning reels. As noted above, the WO '997 reference does not teach "rendering at least the carrier portions of at least certain of the composite symbols transparent". The partially transparent portion of the pay line indicator embodied as footprints, for example the portion between the foresole and heel, is clearly not part of any composite symbol displayed as part of a representation of a plurality of spinning reels. It is instead a representation of a separate pay line indicator across the top of both the representations of the spinning reels and any background scene around the representation of the spinning reels.

As the footprints do not form any part of a composite symbol as in the Applicant's claimed invention, it is clear that no description or illustration is made in the WO '997 reference for background scene to be viewed through the composite symbols. With reference to Figure 4A of the WO '997 reference, it is clear that each reel is represented by a rectangular region, each reel containing three symbols. The area around the rectangle representing the reels is devoid of any material or illustration so that there is not background scene to be viewed other than a uniformly colored (white in the illustrations of Figures 4A and 4B) area or region. The only portion of these areas that can be seen are the portions between the reels which again provide no illustration or scene but again a uniformly white colored area which clearly does not constitute a background scene. This is in contrast to the Applicant's claimed invention which includes both "creating a background scene for a game screen of a spinning reel game, creating a video representation of a plurality of spinning reels, each reel comprising a set of composite symbols ...wherein each composite symbol comprises a carrier portion and a game symbol portion, rendering at least the carrier portions of at least certain of the composite symbols transparent to enable the background scene to viewed through the carrier portions."

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Further, the Applicant finds no motivation to vary from the representations of Figures 4A-4C and the corresponding written description thereof in the WO '997 reference to arrive at the Applicant's claimed invention including composite symbols having transparent carrier portions through which a background scene can be viewed. In support of this, the Applicant respectfully note that the background of the reels in the WO '997 reference is devoid of any scenic content having rather a uniform solid color of white. Another reason is that the footprints representing the pay line are described as extending or traveling over the representation of the spinning reels in a progressive manner. Therefore, there would be no reason to make the spinning reel representations transparent in order to assist forming the animated pay line in the form of footsteps as described and illustrated in the WO '997 reference.

The Buxton et al. reference discloses a system and method for providing a graphical user interface (GUI) for maximizing user performance and system deficiency. Figure 1 shows a semitransparent palette superimposed over a solid image, however the Applicant respectfully notes that there cannot be found any suggestion in Buxton et al. either that transparency can be used in a gaming machine to allow a background scene to be viewed through transparent carrier portions of spinning reels. The Applicant thus respectfully notes that there is no motivation, suggestion, or reason to take such a step, and the Applicant's claimed invention cannot be considered as obvious in light of the combined teachings of the WO '997 reference and Buxton et al. The Examiner asserts that motivation can be found "to come up with a gaming machine having attractive graphical effects to thus attract more players and increase profit", however this is a very general motivation that would apply to almost any video representation provided on a gaming machine. The Examiner has not provided any specific motivation to form a gaming machine in accordance with the Applicant's claimed invention and thus again the Applicant strongly believes that the claimed invention cannot be considered obvious in light of the combined teachings of the art of record.

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SUMMARY

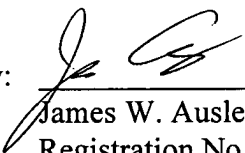
From the forgoing, the Applicant believes that the subject application as currently amended complies with the requirements of both 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 101 by particularly pointing out and distinctly claiming statutory patentable subject matter. The Applicant also believes that the claimed subject matter is novel under the requirements of 35 U.S.C. § 102(b) over the WO '997 reference and is further patentable non-obvious under the requirement of 35 U.S.C. § 103(a) over the combined disclosures of WO '997 and Buxton et al. '427. The Applicant thus believes that the subject application is in a condition ready for allowance and respectfully requests prompt issuance of a notice of allowability. The Applicant believes that this paper fully addresses the objections made by the Examiner in the Office Action, however should there remain any further impediment to the allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: December 30, 2005

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